

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:

**JOE JESSE MONGE and
ROSANA ELENA MONGE,**

Debtors.

**NEW CENTURY MORTGAGE
CORPORATION,**

Movant,

vs.

**JOE JESSE MONGE and
ROSANA ELENA MONGE,**

Respondents.

Case No.: 09-30881-LMC

CHAPTER 11

**RESPONSE TO MOTION OF NEW CENTURY MORTGAGE CORPORATION FOR
RELIEF FROM AUTOMATIC STAY AGAINST PROPERTY OF THE ESTATE AND
WAIVER OF THIRTY DAY REQUIREMENT**

TO THE HONORABLE LEIF M. CLARK, UNITED STATES BANKRUPTCY JUDGE:

Now comes Joe Jesse Monge and Rosana Elena Monge, Debtors in the above entitled and numbered case by and through Sidney J. Diamond of Sidney Diamond, P.C., their attorney of record and files this Response to Motion of New Century Mortgage Corporation for Relief from Automatic Stay Against Property of the Estate and Waiver of Thirty Day Hearing Requirement and would respectfully show the Court the following:

1. The Debtors admit the allegation contained in paragraph 1 and 2 of the Motion.
2. The Debtors deny the allegations contained in paragraphs 3 through 12 of the Motion.

AFFIRMATIVE DEFENSES

**RESPONSE TO MOTION OF NEW CENTURY MORTGAGE CORPORATION FOR
RELIEF FROM AUTOMATIC STAY Page - 1**

1. Debtors are not indebted in any amount to Movant. The Note the subject of this Motion was transferred to Countrywide Home Lending then to Bank of America and said payments are current.

2. The Property is necessary for the effective reorganization of the estate of the Debtors.

3. There is substantial equity in the property the subject of this Motion.

WHEREFORE, THE DEBTORS PRAY:

1. That the Motion of for Relief from Automatic Stay be denied; and,
2. For such other and further relief as the Debtors may show themselves to be justly entitled.

DATED: June 23, 2009

Respectfully submitted,

SIDNEY DIAMOND, P.C.

/s/ Sidney J. Diamond

By: Sidney J. Diamond
Attorney for Debtor
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CERTIFICATE OF SERVICE

I, Sidney J. Diamond, do hereby certify that on June 23, 2009, a true and correct copy of the foregoing Response to Motion of for Relief from Automatic Stay filed by El Paso Area Teachers Federal Credit Union was served, via electronic means as listed on the Court's ECF noticing system or by depositing the same in the United States Mail, properly addressed and postage prepaid, to the following parties:

THE DEBTORS:

Joe Jesse Monge
Rosana Elena Monge
51 Sierra Crest Drive
El Paso, Texas 79902

COUNSEL FOR MOVANT:

Jeremiah B. Hayes
The Corea Firm, P.L.L.C.
1201 Elm St., Suite 4150
Dallas, TX 75270

THE UNITED STATES TRUSTEE:

Kevin Epstein
Office of the United States Trustee
P.O. Box 1539
San Antonio, TX 78295-1539

PARTIES IN INTEREST PREVIOUSLY REQUESTING NOTICE:

City of El Paso
c/o David Aelvoet
Linebarger, Goggan, Blair & Sampson, LLP
711 Navarro, Suite 300
San Antonio, TX 78205

El Paso Area Teachers Federal Credit Union
c/o Carlos A. Miranda III
5915 Silver Springs, Bldg. 3A
El Paso, TX 79912

Alicia Rojas & Francisco Jayme
c/o Lane C. Reedman
Guevara, Baumann, Coldwell & Reedman, LLP
4171 N. Mesa, Suite B-201
El Paso, TX 79902

BAC Home Loan Servicing, LP
c/o Dean Prober
Polk, Prober & Raphael, A Law Corporation
20750 Ventura Blvd., Suite 100
Woodland Hills, CA 91364

/s/Sidney J. Diamond
Sidney J. Diamond